

**RULES
OF
THE TENNESSEE BOARD OF MEDICAL EXAMINERS**

**CHAPTER 0880-4
GENERAL RULES AND REGULATIONS GOVERNING
THE PRACTICE OF ATHLETIC TRAINERS**

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0880-4.01 DEFINITIONS. As used in these rules, the following terms and acronyms shall have the following meaning ascribed to them:

- (1) Administrative Office - The office of the administrator assigned to the Board located on the First Floor, Cordell Hull Building, 425 5th Avenue North, Nashville, Tennessee 37247-1010.
- (2) Board - Tennessee Board of Medical Examiners.
- (3) Division - The Division of Health Related Boards, Tennessee Department of Health, from which the Board receives administrative support.
- (4) HRB - Health Related Boards.
- (5) License - The document issued by the Board to an applicant who has proven eligibility and has completed the licensure process.
- (6) NATABOC - National Athletic Trainers' Association Board of Certification, Inc.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-6-101, 63-24-101, 63-24-102, 63-24-103, 63-24-105, and Public Chapter 694 of the Public Acts of 2000. **Administrative History:** Original rule filed October 9, 1986; effective October 23, 1986. Repeal and new rule filed March 14, 2001; effective May 28, 2001. Amendment filed September 5, 2002; effective November 19, 2002.

0880-4.02 SCOPE OF PRACTICE. The scope of practice of all athletic trainers is governed by T.C.A. § 63-24-101 (2).

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-101, 63-24-101, 63-24-102, 63-24-103, and Public Chapter 694 of the Public Acts of 2000. **Administrative History:** Original rule filed October 9, 1986; effective October 23, 1986. Repeal and new rule filed March 14, 2001; effective May 28, 2001.

0880-4.03 RESERVED.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-24-102, 63-24-104, 63-24-105, and Public Chapter 694 of the Public Acts of 2000. **Administrative History:** Original rule filed October 9, 1986; effective October 23, 1986. Repeal and reserved filed March 14, 2001; effective May 28, 2001.

0880-4-.04 RESERVED.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-24-107, and Public Chapter 694 of the Public Acts of 2000.
Administrative History: Original rule filed October 9, 1986; effective October 23, 1986. Repeal and reserved filed March 14, 2001; effective May 28, 2001.

0880-4-.05 LICENSURE PROCESS. To become licensed as an athletic trainer in Tennessee a person must comply with the following procedures and requirements:

- (1) Grandfathering - Athletic trainers certified prior to May 9, 2000 must submit the documentation required by paragraphs (2) (f), (g) and (h) of this rule to be eligible to continue to practice as an athletic trainer and receive a license upon renewal of their existing certification.
- (2) Licensure by examination:
 - (a) An application packet shall be requested from the Administrative Office.
 - (b) An applicant shall respond truthfully and completely to every question or request for information contained in the application form and submit it, along with all documentation and fees required by the form and rules, to the Administrative Office. It is the intent of this rule that activities necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
 - (c) An applicant shall submit a clear, recognizable, recently taken bust photograph which shows the full head, face forward from at least the top of the shoulder up.
 - (d) It is the applicant's responsibility to request that a graduate transcript, from an athletic trainer curriculum of a college or university approved by the Board, be submitted directly from the educational institution to the Administrative Office. The transcript must show that the degree has been conferred and carry the official seal of the institution.
 - (e) An applicant shall submit evidence of good moral character. Such evidence shall be two recent (within the preceding 12 months) original letters from medical professionals, attesting to the applicant's personal character and professional ethics on the signator's letterhead.
 - (f) An applicant shall have NATABOC submit directly to the Administrative Office satisfactory proof of NATABOC certification or proof of being eligible for that certification.
 - (g) An applicant shall disclose the circumstances surrounding any of the following:
 1. Conviction of any criminal law violation of any country, state or municipality, except minor traffic violations.
 2. The denial of professional licensure/certification application by any other state or the discipline of licensure/certification in any state.
 3. Loss or restriction of licensure/certification.
 4. Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under the country's or state's statutory common or case law.

(Rule 0880-4-.05, continued)

5. Failure of any licensure or certification examination.
 - (h) If an applicant holds or has ever held a license/certificate to practice any profession in any other state, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement (verification of licensure/certification) from each such licensing board which indicates the applicant holds or held an active license/certificate and whether it is in good standing presently or was at the time it became inactive. It is the applicant's responsibility to request this information be sent directly from each such licensing board to the Administrative Office.
 - (i) An applicant shall submit the fees required in Rule 0880-4-.06.
 - (j) An applicant shall cause to be submitted documentation of successful completion of the examinations for licensure as governed by Rule 0880-4-.08. This verification must be submitted by the examining agency directly to the Administrative Office.
- (3) Licensure by Reciprocity. To become licensed in Tennessee as an athletic trainer based on licensure or certification in another state, an applicant must
 - (a) Comply with all the requirements of paragraph (2) of this rule except subparagraph (j).
 - (b) Be licensed or certified in a state that will license or certify athletic trainers licensed and residing in Tennessee without examination; and
 - (c) Hold a current, active athletic trainer license/certificate that is in good standing in another state; and
 - (d) Pay the fee required by Rule 0880-4-.06.
- (4) Application review and licensure decisions shall be governed by Rule 0880-4-.07.

Authority: T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-1-101, 63-6-101, 63-24-102, 63-24-103, 63-24-104, 63-24-105, 63-24-106, and Public Chapter 694 of the Public Acts of 2000. **Administrative History:** Original rule filed October 9, 1986; effective October 23, 1986. Amendment filed July 6, 1990; effective July 21, 1990. Repeal and new rule filed March 14, 2001; effective May 28, 2001. Amendment filed August 16, 2002; effective October 30, 2002. Amendment filed September 5, 2002; effective November 19, 2002.

0880-4-.06 FEES. All fees provided for in this rule are non-refundable.

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| (1) Licensure application-examination fee to be submitted at the time of application | \$150.00 |
| (2) Biennial renewal fee to be submitted at the time of application | \$120.00 |
| (3) Late renewal fee | \$100.00 |
| (4) Licensure restoration fee | \$ 50.00 |
| (5) Duplication of license fee | \$ 5.00 |

(Rule 0880-4-.06, continued)

- (6) Biennial state regulatory fee to be submitted at the time of application \$ 10.00
- (7) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Medical Examiners.

Authority: T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-6-101, 63-24-102, 63-24-105, 63-24-106, Public Chapter 389, Acts of 1989, and Public Chapter 694 of the Public Acts of 2000. **Administrative History:** Original rule filed January 29, 1990; effective March 15, 1990. Repeal and new rule filed March 14, 2001; effective May 28, 2001. Amendment filed August 16, 2002; effective October 30, 2002.

0880-4-.07 APPLICATION REVIEW, APPROVAL, AND DENIAL.

- (1) Review of all applications to determine whether or not the application file is complete may be delegated to the Board's administrator.
- (2) A temporary authorization to practice, as described in T.C.A. § 63-1-142 may be issued to an applicant pursuant to an initial determination made by a Board designee who has reviewed the completed application and determined that the applicant has met all the requirements for licensure, renewal or reinstatement. The temporary authorization to practice is valid for a period of six (6) months from the date of issuance of the temporary authorization to practice and may not be extended or renewed. If the Board subsequently makes a good faith determination that the applicant has not met all the requirements for licensure, renewal or reinstatement and therefore denies, limits, conditions or restricts licensure, renewal or reinstatement, the applicant may not invoke the doctrine of estoppel in a legal action brought against the state based upon the issuance of the temporary authorization to practice and the subsequent denial, limitation, conditioning or restricting of licensure.
- (3) If an application is incomplete when received by the Administrative Office, or the reviewing Board member or the Board's designee determine additional information is required from an applicant before an initial determination can be made, the Board administrator shall notify the applicant of the information required. The applicant shall cause the requested information to be received in the Administrative Office on or before the sixtieth (60th) day after receipt of the notification.
- (4) If a reviewing Board member or designee initially determines that a completed application should be denied, limited, conditioned or restricted, a temporary authorization shall not be issued. The applicant shall be informed of the initial decision and that a final determination on the application will be made by the Board at its next meeting. If the Board ratifies the initial denial, limitation, condition or restriction, the action shall become final and the following shall occur:
 - (a) A notification of the denial, limitation, condition or restriction shall be sent by the Board's Administrative Office by certified mail, return receipt requested. Specific reasons for denial, limitation, condition or restriction will be stated, such as incomplete information, unofficial records, examination failure, or matters judged insufficient for licensure, and such notification shall contain all the specific statutory or rule authorities for the denial, limitation, condition or restriction.
 - (b) The notification shall also contain a statement of the applicant's right to request a contested case hearing under the Tennessee Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.) to contest the denial, limitation, condition or restriction and the procedure necessary to accomplish that action.

(Rule 0880-4-.07, continued)

- (5) The initial determination procedures of this rule will not apply if the Board reviews and makes final determination on any application during its meetings.
- (6) If the Board finds it has erred in the issuance of a license, the Board will give written notice by certified mail of its intent to revoke or cancel the license. The notice will allow the applicant the opportunity to meet the requirements for licensure within thirty (30) days from the date of receipt of the notification. If the applicant does not concur with the stated reason and the intent to revoke or cancel the license, the applicant shall have the right to proceed according to paragraph (4) of this rule.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-6-101, 63-24-102, 63-24-104, 63-24-105, 63-24-107, and 63-24-108.

Administrative History: Original rule filed March 14, 2001; effective May 28, 2001.

0880-4-.08 EXAMINATIONS.

- (1) Licensure Examinations - With the exception of applicants qualified pursuant to Rule 0880-4-.05(3), all persons intending to apply for licensure as an athletic trainer in Tennessee must successfully complete the examinations pursuant to this Rule as a prerequisite to licensure. Such examinations must be completed prior to application for licensure. Evidence of successful completion must be submitted by the examining agency directly to the Administrative Office as part of the application process contained in Rule 0880-4-.05.
- (2) Competency Examination
 - (a) The Board adopts the NATABOC certification examination and/or its successor examination as its licensure competency examination.
 - (b) The Board adopts the NATABOC's determination as to the passing score on its examination.
 - (c) Application for and fees necessary to take the NATABOC examination must be sent to the NATABOC and not the Board.
- (3) Jurisprudence Examination
 - (a) An applicant must take and pass the Board-created and administered jurisprudence examination.
 - (b) A score of seventy-five percent (75%) or above will be considered passing for this examination.
 - (c) An examinee who fails this examination may subsequently retake it upon submitting payment of the licensure application-examination fee, as provided in rule 0880-4-.06.

Authority: T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-6-101, 63-24-102, 63-24-104, 63-24-105, and 63-24-106.

Administrative History: Original rule filed March 14, 2001; effective May 28, 2001. Amendment filed August 16, 2002; effective October 30, 2002.

0880-4-.09 LICENSURE RENEWAL AND REINSTATEMENT.

- (1) All licensees must renew their licenses to be able to legally continue in practice. License renewal is governed by the following:

(Rule 0880-4-.09, continued)

- (a) The due date for license renewal is its expiration date which is the last day of the month in which a license holder's birthday falls pursuant to the Division of Health Related Boards "biennial birthdate renewal system" contained in rule 1200-10-1-.10.
 - (b) Methods of Renewal - Licensees may accomplish renewal by one of the following methods:
 - 1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:

www.tennesseeanytime.org
 - 2. Paper Renewals - Licensees who have not renewed their authorization online via the Internet will have a renewal application form mailed to them at the last address provided by them to the Board prior to the expiration date of their current license. Failure to receive such notification does not relieve the individual of the responsibility of timely meeting all requirements for renewal. To be eligible for renewal a licensee must submit to the Division of Health Related Boards on or before the license's expiration date the following:
 - (i) A completed and signed renewal application form.
 - (ii) The renewal and state regulatory fees as provided in Rule 0880-4-.06.
 - (c) Any renewal application received after the expiration date but before the last day of the month following the expiration date must be accompanied by the Late Renewal Fee provided in Rule 0880-4-.06.
 - (d) Any individual who fails to comply with the license renewal rules and/or notifications sent to them concerning failure to timely renew shall have their license processed pursuant to rule 1200-10-1-.10.
 - (e) Anyone submitting a signed renewal form, electronically or otherwise, which is found to be fraudulent or untrue may be subject to disciplinary action.
 - (f) Any licensee who receives notice of failure to timely renew pursuant to rule 1200-10-1-.10, and who, on or before the last day of the month following the month in which the license expires, executes and files in the Board's administrative office an affidavit of retirement pursuant to Rule 0880-4-.11 may have their license retired effective on their licensure expiration date.
- (2) Licenses processed pursuant to rule 1200-10-1-.10 for failure to renew may be reinstated upon meeting the following conditions:
- (a) Obtain, complete and submit a renewal/reinstatement/reactivation application; and
 - (b) Payment of all past due renewal fees; and the late renewal fee provided in rule 0880-4-.06; and
 - (c) If derogatory information or communication is received during the renewal process, if requested by the Board or its duly authorized representative, appear before the Board, a duly constituted panel of the Board, a Board member, a screening panel when the individual is under investigation or the Board Designee for an interview and/or be prepared to meet or accept other conditions or restrictions as the Board may deem necessary to protect the public.

(Rule 0880-4-.09, continued)

- (d) Any licensee who fails to renew licensure prior to the expiration of the second (2nd) year after which renewal is due may be required to meet or accept other conditions or restrictions as the Board may deem necessary to protect the public.
- (3) Renewal issuance and reinstatement decisions pursuant to this rule may be made administratively subject to review by the Board, any Board member or the Board Designee.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-6-101, 63-24-102, 63-24-105, and 63-24-106. **Administrative History:** Original rule filed March 14, 2001; effective May 28, 2001. Amendment filed September 5, 2002; effective November 19, 2002.

0880-4.10 RESERVED.

0880-4.11 RETIREMENT AND REACTIVATION OF LICENSE.

- (1) Licensees who wish to retain their licenses but not actively practice as an athletic trainer may avoid administrative revocation of licensure and/or compliance with the licensure renewal process by doing the following:
 - (a) Obtain, complete, and submit to the Administrative Office, an affidavit of retirement form.
 - (b) Submit any documentation that may be required by the form to the Administrative Office.
- (2) Upon successful application for retirement of licensure with completion and receipt of all proper documentation to the Board's satisfaction, the Board shall register the license as retired. Any person who has a retired license may not practice as an athletic trainer in Tennessee.
- (3) Reactivation - Any licensee whose license has been retired may re-enter active practice by doing the following:
 - (a) Submit a written request for a Reactivation Application to the Board Administrative Office; and
 - (b) Complete and submit the Reactivation Application along with payment of the licensure renewal fee as provided in Rule 0880-4-.06 to the Administrative Office. If reactivation was requested prior to the expiration of one (1) year from the date of retirement, the Board may require payment of the licensure restoration fee and past due renewal fees as provided in Rule 0880-4-.06; and
 - (c) Submit any documentation which may be required by the form to the Board Administrative Office; and
 - (d) If requested, after review by the Board or a designated Board member, appear before either the Board, or a duly constituted panel of the Board, or another Board member, or the Board Designee for an interview regarding continued competence.
 - (e) In the event of licensure retirement or inactivity in excess of two (2) years or the receipt of derogatory information or communication during the reactivation process, the applicant should be prepared to meet or accept other conditions or restrictions as the Board may deem necessary to protect the public.

- (f) An applicant who is currently under investigation may be required to appear before a screening panel of the Board.
 - (g) If licensure retirement was in excess of five (5) years, the licensee may be required to successfully complete whatever educational and/or testing requirements the Board feels necessary to establish current levels of competency.
- (4) License reactivation applications shall be treated as licensure applications and review decisions shall be governed by Rule 0880-4-.07.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-101, 63-24-102, 63-24-105, and 63-24-106. **Administrative History:** Original rule filed March 14, 2001; effective May 28, 2001.

0880-4.12 CONTINUING EDUCATION. All persons licensed as athletic trainers must comply with the following continuing education rules.

(1) Continuing Education - Hours Required

- (a) Except as provided in 1 through 3, all athletic trainers must, by December 31, 2002, have completed eighty (80) hours of continuing education in courses approved by the Board and shall complete eighty (80) hours of continuing education in courses approved by the Board every three (3) years thereafter. The three (3) year periods shall commence on January 1 of the calendar year following the end of the previous three (3) year cycle and end on December 31 of the third full calendar year thereafter (i.e., January 1, 2003 to December 31, 2005).

1. For purposes of this rule the term “trigger date” shall mean the following:

- (i) For those who have obtained and maintain certification with the NATABOC, the year in which that certification was obtained; and
- (ii) For those who have not obtained certification with the NATABOC, the year in which licensure was obtained.
- (iii) For those who fail to maintain certification with the NATABOC, the year in which that certification was originally obtained.

2. Prorating for the initial three year cycle January 1, 2000 to December 31, 2002 shall be as follows:

- (i) Any person whose trigger date was prior to December 31, 1999 shall be required to obtain the full eighty (80) hours of continuing education in courses approved by the Board during that cycle.
- (ii) Any person whose trigger date falls within the year 2000 shall be required to obtain only fifty-five (55) hours of continuing education in courses approved by the Board during that cycle.
- (iii) Any person whose trigger date falls within the year 2001 shall be required to obtain only twenty-five (25) hours of continuing education in courses approved by the Board during that cycle.
- (iv) Any person whose trigger date falls within the year 2002 shall not be required to obtain continuing education until the start of the next three (3) year cycle.

3. Prorating for any subsequent three (3) year cycles shall be as follows:

- (i) Any person whose trigger date falls within the first calendar year of any cycle shall be required to obtain only fifty-five (55) of continuing education in courses approved by the Board during that cycle; and
- (ii) Any person whose trigger date falls within in the second calendar year of any cycle shall be required to obtain only twenty-five (25) hours of continuing education in courses approved by the Board during that cycle; and

(Rule 0880-4-.12, continued)

- (iii) Any person whose trigger date falls within the last year of any cycle shall not be required to obtain continuing education until the start of the next three (3) year cycle.
 - (b) The Board approves a course for only the number of hours contained in the course. The approved hours of any specific individual course will not be counted more than once in a three (3) year cycle toward the required hourly total regardless of the number of times the course is attended or completed by any individual during that cycle.
 - (c) The Board may waive or otherwise modify the requirements of this rule in cases where there is retirement or an illness, disability or other undue hardship that prevents a licensee from obtaining the requisite number of continuing education hours. Requests for waivers or modification must be sent in writing to the Board prior to the expiration of the three (3) year cycle in which the continuing education is required to be obtained.
- (2) Continuing Education - Proof of Compliance
 - (a) The due date for completion of the required continuing education is December 31st of the last year of any three (3) year cycle.
 - (b) All athletic trainers must, on the license renewal form, enter a signature that indicates completion of the required continuing education hours and that such hours were obtained during the appropriate three (3) year cycle.
 - (c) All athletic trainers must retain independent documentation of completion of all continuing education hours. This documentation must be retained for a period of four (4) years from the end of each three (3) year cycle in which the continuing education was acquired. This documentation must be produced for inspection and verification, if requested in writing by the Division during its verification process. Certificates verifying the licensed individual's completion of the continuing education program(s) consist of any one or more of the following:
 - 1. Continuing education program's sponsor, date, length in minutes awarded (continuing education units must be converted to clock hours), program title, licensed individual's name, license number and social security number.
 - 2. An original letter on official stationery from the continuing education program's sponsor indicating date, length in minutes awarded (continuing education units must be converted to clock hours), program title, licensed individual's name, license number and social security number.
 - (d) If a person submits documentation for continuing education that is not clearly identifiable as appropriate continuing education, the Board will request a written description of the education and how it applies to the practice as an athletic trainer.
- (3) Acceptable continuing education - To be utilized for satisfaction of the continuing education requirements of this rule, the continuing education program must be approved in content, structure and format by NATABOC, or the American Medical Association (AMA), or the Tennessee Medical Association (TMA), or any American Medical Association recognized medical specialty certification organization.
- (4) Violations

(Rule 0880-4-.12, continued)

- (a) Any athletic trainer who falsely attests to completion of the required hours of continuing education may be subject to disciplinary action pursuant to Rule 0880-4-.15.
- (b) Any athletic trainer who fails to obtain the required continuing education hours may be subject to disciplinary action pursuant to Rule 0880-4-.15 and may not be allowed to renew licensure.
- (c) Education hours obtained as a result of compliance with the terms of Board Orders in any disciplinary action shall not be credited toward the continuing education hours required to be obtained in any three (3) year cycle.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-6-101, and 63-24-102. **Administrative History:** Original rule filed March 14, 2001; effective May 28, 2001.

0880-4-.13 PROFESSIONAL ETHICS. All athletic trainers shall comply with the following code of ethics, violation of which may subject an athletic trainer to disciplinary action pursuant to Rule 0880-4-.15.

(1) General.

- (a) An athletic trainer has the responsibility of maintaining and improving services by constantly examining, using the increasing knowledge upon which the athletic trainer's practice is based.
- (b) In order to maintain and enhance professional competence, an athletic trainer shall make use of appropriate educational opportunities and, when indicated, will seek consultation from colleagues and other suitable professionals.
- (c) An athletic trainer shall respect the integrity of all individuals and groups with whom he or she is working and will be protective of their physical and emotional welfare.
- (d) An athletic trainer shall not discriminate on the basis of sex, race, creed, national origin, or age while performing assigned duties.
- (e) An athletic trainer shall not condone, engage in, or defend any conduct which violates any state statute or regulation.

(2) Drugs.

- (a) An athletic trainer shall not engage in or condone usage by an athlete of any prescription drug not specifically ordered by and given under the supervision of a licensed physician, which has been dispensed by a licensed pharmacist or licensed physician.
- (b) An athletic trainer shall not engage in or condone or allow the administration to an athlete of any nonprescription drug unless he or she operates under a protocol formulated by his overseeing physician.

(3) Professional Representation.

- (a) An athletic trainer shall not misrepresent his or her professional qualifications. An athletic trainer meeting the requirements of the Board and having been duly licensed in the State of Tennessee may use the credentialing of ATC/L to signify both the NATABOC certification and licensure granted by the Board. Those not certified by the NATABOC may use the credentialing of AT/L.

(Rule 0880-4-.13, continued)

- (b) An athletic trainer shall practice only in those areas in which he or she is competent by reason of training or experience which can be substantiated by records or other evidence found acceptable by the Board in the exercise of the Board's considered discretion.
- (4) Testimonials and Endorsements.
 - (a) Endorsements of commercial products must be in keeping with the highest principles and standards of the athletic training profession.
 - (b) The Board of Medical Examiners or the names of any of its members may not be used in any testimonials and/or endorsements by athletic trainers.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-6-101, and 63-24-102. **Administrative History:** Original rule filed March 14, 2001; effective May 28, 2001.

0880-4-.14 RESERVED.

0880-4-.15 DISCIPLINARY GROUNDS, ACTIONS, AND CIVIL PENALTIES.

- (1) Grounds and Authority For Disciplinary Actions - The Board shall have the power to deny, limit, restrict or condition an application for a license to any applicant who applies for the same. The Board shall have the authority to suspend or revoke, reprimand or otherwise discipline any person holding a license to practice as an athletic trainer. The grounds upon which the Board shall exercise such power includes, but are not limited to, the following:
 - (a) Unprofessional, dishonorable, or unethical conduct;
 - (b) Violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of T.C.A. §§ 63-24-101, et seq., or any lawful order of the Board issued pursuant thereto, or any criminal statute of the state of Tennessee;
 - (c) Making false statements or representations, being guilty of fraud or deceit in obtaining admission to practice, or being guilty of fraud or deceit in the practice as an athletic trainer;
 - (d) Gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of practice as an athletic trainer;
 - (e) Habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances, or other drugs or stimulants in such manner as to adversely affect the person's ability to practice as an athletic trainer;
 - (f) Willfully betraying a professional secret;
 - (g) The advertising of an athletic trainer business in which untrue or misleading statements are made, or causing the publication or circulation of fraudulent advertising relative to any disease, human ailment, or conditions;
 - (h) Willful violation of the rules and regulations promulgated by the Board to regulate advertising by practitioners who are under the jurisdiction of such board;
 - (i) Conviction of a felony, conviction of any offense under state or federal drug laws;

(Rule 0880-4-.15, continued)

- (j) Making or signing in one's professional capacity any certificate that is known to be false at the time one makes or signs such certificate;
 - (k) Offering, undertaking, or agreeing to cure or treat a disease, injury, ailment or infirmity by a secret means, method, device or instrumentality;
 - (l) Giving or receiving, or aiding or abetting the giving or receiving of rebates, either directly or indirectly for referrals of business or patients;
 - (m) Engaging in the practice of an athletic trainer under a false or assumed name, or the impersonation of another practitioner, or a like, similar or different name;
 - (n) Engaging in the practice of an athletic trainer when mentally or physically unable to safely do so;
 - (o) Violation of the continuing education provisions of Rule 0880-4-.12;
 - (p) Violation of the scope of practice statutes T.C.A. § 63-24-101;
 - (q) Violation of the ethic code established in rule 0880-4-.13;
 - (r) Disciplinary action against a person licensed, certified, registered, or permitted to practice as an athletic trainer by another state or territory of the United States for any acts or omissions which would constitute grounds for discipline of a person licensed in this state. A certified copy of the initial or final order or other equivalent document memorializing the disciplinary action from the disciplining state or territory shall constitute prima facie evidence of violation of this section and be sufficient grounds upon which to deny, restrict or condition licensure or renewal and/or discipline a person licensed in this state.
- (2) Upon a finding by the Board that an athletic trainer has violated any provision of the T.C.A. §§ 63-24-101, et seq., or the rules promulgated pursuant thereto, the Board may take any of the following actions separately or in any combination which is deemed appropriate to the offense;
- (a) Advisory Censure - This is a written action issued for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.
 - (b) Reprimand - This is a written action issued for one time and less severe violations. It is a formal disciplinary action.
 - (c) Probation - This is a formal disciplinary action which places an athletic trainer on close scrutiny for a fixed period of time. This action may be combined with conditions that must be met before probation will be lifted and/or which restrict the individual's activities during the probationary period.
 - (d) License Suspension - This is a formal disciplinary action that suspends the right to practice for a fixed period of time. It contemplates the re-entry into practice under the license previously issued.
 - (e) License Revocation - This is the most severe form of disciplinary action which removes an individual from the practice of the profession and terminates the licensure previously issued. The Board, in its discretion, may allow reinstatement of a revoked license upon conditions and

(Rule 0880-4-.15, continued)

after a period of time that it deems appropriate. No petition for reinstatement and no new application for licensure from a person whose license was revoked for cause shall be considered prior to the expiration of at least six (6) months from the effective date of the revocation order.

- (f) Conditions - Any action deemed appropriate by the Board to be required of a disciplined license holder during any period of probation or suspension or as a pre-requisite to the lifting of probation or suspension or the reinstatement of a revoked license.
- (g) Civil Penalty - A monetary disciplinary action assessed by the Board pursuant to Rule 0880-2-.12.
- (h) Assessment of Costs – Shall be governed by rule 0880-2-.12.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-6-101, 63-6-214, 63-24-101, 63-24-102, and 63-24-107. **Administrative History:** Original rule filed March 14, 2001; effective May 28, 2001. Amendment filed September 5, 2002; effective November 19, 2002.

0880-4-.16 REPLACEMENT LICENSE. - A license holder whose “artistically designed” license has been lost or destroyed may be issued a replacement document upon receipt of a written request in the Administrative Office. Such request shall be accompanied by an affidavit (signed and notarized) stating the facts concerning the loss or destruction of the original document and the fee required pursuant to Rule 0880-4-.06.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-6-101, 63-24-102, 63-24-105, and 63-24-106. **Administrative History:** Original rule filed March 14, 2001; effective May 28, 2001.

0880-4-.17 CHANGE OF NAME AND/OR ADDRESS.

- (1) Change of Name – Any athletic trainer shall notify the Board in writing within thirty (30) days of a name change and will provide both the old and new names. A name change notification must also include a copy of the official document involved and reference the individual's profession, board, social security, and license numbers.
- (2) Change of Address - Each person holding a license who has had a change of address shall file in writing with the board his/her current address providing both the old and new addresses. Such requests must be received in the Administrative Office no later than thirty (30) days after such change is effective and must reference the individual's name, profession, social security number, and license number.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-108, 63-6-101, and 63-24-102. **Administrative History:** Original rule filed March 14, 2001; effective May 28, 2001.

0880-4-.18 RESERVED.

0880-4-.19 RESERVED.

0880-4-.20 ADVERTISING. Fraudulent, misleading, or deceptive advertising is prohibited.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-6-101, 63-24-102, 63-24-107. **Administrative History:** Original rule filed March 14, 2001; effective May 28, 2001.